



Howard County Agricultural Land Preservation Program

ELIGIBILITY CRITERIA AND PRICING FORMULA

ELIGIBILITY CRITERIA

To be eligible to sell an agricultural preservation easement, a farm must meet the following criteria, as specified by Title 15, Subtitle 5, Section 15.506 of the County Code:

1. *Developable*: The parcel shall be capable of being further developed to a greater residential density than presently exists or for nonagricultural uses. To meet this criteria, the parcel shall:
 - i. Be in a zoning district which permits development to a higher residential density than presently exists; and
 - ii. Be capable of being subdivided or developed for nonagricultural uses by right.
2. *Size*: The parcel shall be at least 20 contiguous acres.
3. *Soils*: The parcel shall meet the following soils criteria:
 - i. More than 50% of the parcel shall be USDA capability Class I, II and III soils, and more than 66% of the parcel shall be Class I through IV soils; and
 - ii. The parcel shall have:
 - a) A complete Soil Conservation & Water Quality Plan approved by the local soil conservation district; and
 - b) Verification by the local soil conservation district that the plan reflects current conditions and activities on the land.

OBLIGATIONS AND RESTRICTIONS

Sections 15.511 and 15.512 of the County Code describe the restrictions and obligations that are associated with an easement. These restrictions and obligations will be itemized in the Deed of Easement. The landowner of an easement-encumbered farm must maintain and implement a current Soil Conservation & Water Quality Plan. In addition, an owner may not reduce the agricultural value of the farm and must maintain it in order to control erosion and noxious weeds.

Land subject to an agricultural land preservation easement may not be developed, subdivided, or used for purposes other than agriculture except under very limited circumstances. Uses of the land subject to an agricultural preservation easement must be consistent with the Howard County Zoning Regulations. The restrictions imposed by an agricultural easement run with the land in perpetuity and bind all future owners.

RIGHTS AND BENEFITS

Section 15.514 of the County Code lists the rights that the landowner retains when an easement is sold to the County. These rights are reiterated in the Deed of Easement. In addition to the financial benefits, the landowner retains fee simple ownership of the land. The presence of an agricultural easement does not grant the public any rights of access or right to use the land.

Unrestricted Lot Rights

Per Section 15.514 a property owner is allowed a limited number of 1-acre lots if the easement is a parcel of 50 acres or more. A landowner may subdivide one 1-acre residential lot for every 50 acres of easement-encumbered

land. The County releases the easement on each lot once the location has been approved by the Agricultural Land Preservation Board and the price per acre is repaid to the County.

Parcel Subdivision Rights

A landowner in the program may also subdivide a large parcel (at least 100 acres) into parcels of at least 50 acres unless he or she has relinquished that right as part of the price formulation.

Landowner's Dwelling

Easement properties are allowed to retain an existing principal dwelling that may not be subdivided from the land, except as one of the allowed unrestricted lot rights. If no principal dwelling exists at the time of easement sale, the landowner has the right to build a dwelling if the parcel is 50 acres or larger.

Tenant Houses

If permitted by the deed of easement, and unless the property owner relinquishes some or all rights as part of the price formulation, tenant housing may be constructed at a density of 1 tenant dwelling per 25 acres, if approved by the Agricultural Land Preservation Board. This density includes tenant housing that existed when the County acquired the easement. Tenant housing must be consistent with the Howard County Zoning Regulations.

DETERMINING THE PURCHASE PRICE

The easement pricing formula is used to determine the price per acre the County will pay for the purchase of development rights on an eligible farm. The purchase price of the easement is determined by means of a formula adopted by Resolution of the County Council. The current easement price formula was adopted on March 4, 2013 as County Council Resolution 23-2013. There is no guarantee the maximum amount will be reached, as the easement price is determined through the evaluation of property characteristics.

Price Formula

The formula consists of two components: (A) Points and (B) Price per Acre. Points are numerical values assigned to specific characteristics of a farm which make it more or less desirable to preserve as agricultural land. The maximum number of points that can be awarded is 1,000. The price per acre is the maximum amount the County will pay to purchase development rights, which is capped at \$40,000 per acre of agricultural land.

A. POINTS - Maximum 1,000

1. *Parcel Size - Maximum 200 points*

One point per acre is assigned for total acreage brought into the program.

2. *Soil Capability - Maximum 100 points*

Land with higher quality soils has more agricultural value than land with poorer quality soils and therefore is assigned a higher point value. Each acre of Class I soils receives 3 points; each acre of Class II soils receives 2 points; each acre of Class III soils receives 1 point.

3. *Soil Productivity – Maximum 100 points*

Soil productivity measures what the soil is capable of producing under good management. Productivity is scored in addition to capability because soils within the same capability class can have widely different productivity levels.

4. *Adjacency to Preserved Land – Maximum 100 points*

The General Plan recognizes the need to consolidate blocks of the most productive remaining farmland. Both this criteria and the next, concentration of preserved lands, score properties based on their contribution to large contiguous tracks of preserved agricultural land. Immediate adjacency is important because a property that is surrounded by other preserved land is less likely to suffer the negative impacts of residential development on agricultural activities.

5. *Concentration of Preserved Lands – Maximum 100 points*

As in the item above, this criteria signifies the importance that is placed on large blocks of preserved land. Points are awarded based on how much land within a mile of the subject property is already preserved, which is a good measure of the agricultural integrity of the surrounding area.

6. *Zoning - 100 points for being in the Rural Conservation (RC) zoning district*

The General Plan and the Zoning Regulations designate the Rural Conservation (RC) district as the area where the County wishes to concentrate its agricultural land preservation efforts. No points are assigned for properties outside this zoning designation.

7. *Current Land Use – Maximum 100 points*

Current land use evaluates the percentage of the subject property that is actively being used for agriculture.

8. *Implementation of Soil Conservation and Water Quality Plan – Maximum 100 points*

Property owners must have a Soil Conservation and Water Quality Plan prepared by the Howard Soil Conservation District in order for the County to acquire an easement on the property. The purpose of the Plan is to outline conservation practices that reduce erosion and protect the soil. It is a very important land management tool. This criteria evaluates the status of the Plan, and scores based on the level to which the property owner has implemented it, as of the date of easement application.

9. *Ownership and Operation – Maximum 50 points*

Points are awarded based on the level of involvement that the property owner has in the operation of the farm.

10. *Road Frontage - Maximum 50 points*

Properties with more road frontage are generally more visible and easier to access than those with less road frontage. Points given reflect the value added by preserving the visual and scenic character of the County's farmland.

Additional Points

1. *Relinquishment of Parcel Division Rights – Maximum 50 points*

The agricultural preservation law allows the owner of a property encumbered by an ALPP easement that is larger than 100 acres to subdivide the property into 50+ acre parcels. As an incentive to agree not to subdivide, 10 points are assigned for every parcel division right relinquished by the owner.

2. *Relinquishment of Tenant House Rights – Maximum 50 points*

The agricultural preservation law allows the owner of a property encumbered by an ALPP easement to request tenant housing at a density of 1 dwelling unit per 25 acres. As an incentive to minimize tenant house requests, 10 points are assigned for every tenant house right relinquished by the owner.

3. *Protection of Green Infrastructure Network – Maximum 50 points*

This item will award applicants with significant ecological resources on their properties with a financial incentive to protect them. The General Plan recognizes that one purpose of the County's Green Infrastructure Network is to enable the County to consider important natural resources when acquiring agricultural, environmental, and other land preservation easements. A separate scoring system will determine the points awarded based on the acreage and location within the network and on the habitat value of the natural resources present. The property owner must agree to develop and implement a Habitat Management Plan for the property located within the network.

B. PRICE PER ACRE

The price per acre the County will pay to purchase the development rights on a property is determined by adding all the points above and then multiplying the number of points by the price factor. The price factor is based on current market values of land for agricultural and development purposes. The price factor is \$40 per point. This price factor, when multiplied by the maximum number of points (1,000), sets a maximum price per acre of \$40,000.

Price Worksheet and Site Assessment Worksheet

The current Easement Price Formula Worksheet is attached. This worksheet is used by staff to determine the base price of an agricultural preservation easement, exclusive of interest.

FOR MORE INFORMATION

Please contact the Agricultural Program Administrator if you have any questions.

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